

AMENDED IN SENATE JULY 8, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Kehoe

February 14, 2003

An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of Division 12.7 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Kehoe. San Diego Consolidated Transportation Agency.

Existing law establishes the San Diego Consolidated Transportation Agency from specified existing agencies, including the San Diego Association of Governments (SANDAG), the Metropolitan Transit Development Board (MTDB), and the North County Transit Development Board (NCTD), and authorizes the agency to assume certain responsibilities and functions of those other agencies. Existing law provides that the consolidated agency is governed by a board of 20 members selected from specified areas within the county and provides that the agency assumes the powers of the transportation commission and is designated the transportation planning agency for its area. Existing law provides that the executive director is the administrator of the agency and requires the agency to submit a report to the Governor and the Legislature beginning in 2005 regarding its progress in carrying out its powers and functions.

This bill would declare the intent of the Legislature for the agency to complete the public process of preparing and adopting a regional comprehensive plan, based upon specified criteria, by June 30, 2004. The bill would require the agency to make the *regional* comprehensive ~~regional~~ plan policies and objectives available to all local agencies and to maintain data, maps, and other specified information used in formulating the comprehensive plan in a form suitable for the availability of and use by other government agencies, private organizations, and public review. The bill would require any proposal submitted to the Governor and the Legislature by the Legislative Analyst relative to a change in the governance structure of the agency or the scope of the authority and responsibility of the agency, if enacted into law, to be submitted for approval by a majority vote of the voters residing within the jurisdiction of the consolidated agency. Because the bill would impose additional duties on a local agency, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that it is
2 critical that the people of San Diego County be aware of the
3 structure of governance that oversees implementation of regional
4 issues and that at a future date, to be determined, that the people
5 concur, through a public vote on the future structure and
6 responsibilities of the agency. The Legislature also finds that the
7 function of the consolidated agency is to plan and construct a



1 transportation system with an understanding and consideration of
2 the community as a whole.

3 (b) To maintain the quality of life *that* all San Diegans deserve,
4 the consolidated agency should fully appreciate all of the
5 following:

6 (1) Transportation is only one of the many aspects of a region's
7 quality of life. In order to create a successful mobility system, land
8 use must be considered. Our water and air quality are also directly
9 connected to our transportation, urban infrastructure, and natural
10 resources.

11 (2) There is no single plan or agency that considers,
12 comprehensively or financially, all quality of life issues.

13 (3) Several agencies currently have purview over the varied
14 aspects of our quality of life.

15 (4) Compatibility and thoroughness of these various agencies'
16 plans and financing mechanisms are key to implementing mobility
17 improvements in San Diego. This should be the goal of a regional
18 comprehensive plan.

19 (5) It is further the goal that the consolidated agency in
20 allocating transportation funding consider the extent to which each
21 jurisdiction's general plan implements land use policies
22 recommended in the regional comprehensive plan. ~~However,~~
23 ~~nothing in this act is intended to grant the consolidated agency with~~
24 ~~specific land use authority.~~

25 (6) The public is directly affected by the actions of the
26 consolidated agency and must have adequate opportunities to
27 participate in the consolidated agency's decisions affecting the
28 future of our regional quality of life.

29 (7) To ensure that the vision and goals of the regional
30 comprehensive plan are implemented, the consolidated agency
31 must monitor its progress through realistic measurable standards
32 and criteria, which must be included in the regional
33 comprehensive plan itself and made available to the public.

34 (8) It is critical that the public be informed in a timely manner
35 on the regional decisionmaking process within their own
36 jurisdictions and have access to the records of decisions, in
37 compliance with the ~~public records act~~ *California Public Records*
38 *Act*.

39 SEC. 2. Section 132352.6 of the Public Utilities Code is
40 amended to read:

1 132352.6. (a) The consolidated agency shall submit a report
2 to the Governor and Legislature by December 31 of ~~odd~~
3 *even*-numbered years beginning in ~~2005-2004~~, regarding progress
4 in carrying out the provisions of this act.

5 (b) ~~By~~ On December 31, ~~2004-2005~~, the Legislative Analyst
6 Office (LAO) shall ~~prepare~~ *submit* a report to the Governor and
7 the Legislature which shall evaluate and make recommendations
8 on the consolidated agency in the following areas:

9 (1) The effectiveness of the current governance structure
10 within the region including, but not limited to, public
11 participation, accountability, proportional representation and to
12 examine various alternative governance structures.

13 (2) The effectiveness in addressing the transportation needs of
14 the region, including coordination and efficiencies in
15 transportation planning and implementation as a result of the
16 consolidation.

17 (3) The effectiveness of addressing quality of life indicators
18 including, but not limited to, land use patterns, a viable and
19 sustainable economy, affordable public transportation, affordable
20 housing, transportation mobility options, air and water quality, and
21 open space and natural habitat preservation, including, but not
22 limited to, the agency created by the act, *and* the county board of
23 supervisors.

24 (4) The adequacy of the scope and authority for regional
25 decisionmaking.

26 (c) The consolidated agency shall pay for the costs of the study
27 which shall be capped at an amount not to exceed one hundred fifty
28 thousand dollars (\$150,000).

29 (d) (1) After the Legislative Analyst's report has been
30 submitted to the Governor and the Legislature as required by
31 subdivision (b), if legislation is enacted that makes a change in the
32 governance structure or the scope of the authority and
33 responsibility of the consolidated agency, the change shall be
34 submitted for approval at a regularly scheduled election to the
35 voters residing within the jurisdiction of the consolidated agency
36 prior to the implementation of those changes.

37 (2) To provide opportunity for full regional public participation
38 in any change made according to paragraph (1), the consolidated
39 agency should convene regional working groups and take other
40 steps that will allow for the greatest level of regionwide input from

1 all segments of San Diego County and all interested groups and
2 organizations.

3 *(3) This subdivision shall apply to legislation that specifically*
4 *references this subdivision and shall remain in effect until the*
5 *election required pursuant to paragraph (1) has occurred. After*
6 *the election has occurred, this subdivision shall become*
7 *inoperative.*

8 SEC. 3. Article 6.5 (commencing with Section 132360) is
9 added to Chapter 3 of Division 12.7 of the Public Utilities Code,
10 to read:

11
12 Article 6.5. Adoption and Administration of a Regional
13 Comprehensive Plan
14

15 132360. (a) It is the intent of the Legislature that the
16 consolidated agency complete a public process by June 30, 2004,
17 to prepare and adopt a regional comprehensive plan based on the
18 local general and regional plans that integrates land uses,
19 transportation systems, infrastructure needs, and public
20 investment strategies, within a regional framework, in cooperation
21 with member agencies and the public.

22 (b) The regional comprehensive plan should preserve and
23 improve the quality of life in the San Diego region, maximize
24 mobility and transportation choices, and conserve and protect
25 natural resources.

26 (c) The regional comprehensive plan should be updated as
27 necessary for the consolidated agency to comply with Section
28 132360.1.

29 132360.1. The regional transportation plan and the regional
30 comprehensive plan should be compatible. The regional
31 comprehensive plan should set the framework for the type of
32 changes upon which subsequent regional transportation plans
33 should focus.

34 132360.2. (a) The components of the regional
35 comprehensive plan may include, but are not limited to, the
36 following: transportation, housing, water quality, infrastructure,
37 and open ~~space including~~ *space, including* habitat. At some future
38 date, components such as water supply, air quality, solid waste,
39 economy, and energy ~~shall~~ *should* be part of the regional
40 comprehensive plan. Performance standards and measurable

1 criteria shall be established through a public process to ensure that
2 the plan is prepared consistent with these measures as well as in
3 determining achievement of the plan goals throughout its
4 implementation.

5 ~~(b) The regional comprehensive plan should be compatible~~
6 ~~with the urban water management plan and other adopted regional~~
7 ~~water facilities and supply plans of the San Diego Water Authority.~~

8 *(b) Any water supply component or regional infrastructure*
9 *strategy of the regional comprehensive plan shall be consistent*
10 *with the urban water management plan and other adopted*
11 *regional water facilities and supply plans of the San Diego County*
12 *Water Authority.*

13 132360.3. (a) In formulating and maintaining the regional
14 comprehensive plan, the consolidated agency shall take account of
15 and shall seek to harmonize the needs of the region as a whole, the
16 plans of the county and cities within the region, and the plans and
17 planning activities of organizations that affect or are concerned
18 with planning and development within the region.

19 (b) The consolidated agency shall engage in a public
20 collaborative planning process. The recommendations resulting
21 from the public process shall be made available to and considered
22 by the consolidated agency for integration into the draft plan. The
23 consolidated agency shall adopt a procedure to carry out this
24 process including a method of addressing and responding to
25 recommendations from the public.

26 (c) In formulating and maintaining the regional comprehensive
27 plan, the consolidated agency shall seek the cooperation and
28 consider the recommendations of all of the following:

29 (1) Its member agencies and other agencies of local
30 government within the jurisdiction of the consolidated agency.

31 (2) State and federal agencies.

32 (3) Educational institutions.

33 (4) Research organizations, whether public or private.

34 (5) Civic groups.

35 (6) Private individuals.

36 (7) Governmental jurisdictions located outside the region but
37 contiguous to its boundaries.

38 132360.4. The consolidated agency shall make the
39 ~~comprehensive regional~~ *regional comprehensive* plan policies and
40 objectives available to all local agencies and facilitate

1 consideration of the ~~comprehensive—regional~~ *regional*
2 *comprehensive* plan in the development, implementation, and
3 update of local general plans. The consolidated agency shall
4 provide assistance and enhance the opportunities for local
5 agencies to develop, implement, and update general plans in a
6 manner that recognizes, at a minimum, land use, transportation
7 compatibility, and a jobs-to-housing balance within the regional
8 comprehensive plan.

9 132360.5. The consolidated agency shall maintain the data,
10 maps, and other information developed in the course of
11 formulating the regional comprehensive plan in a form suitable to
12 assure a consistent view of developmental trends and other
13 relevant information for the availability of and use by other
14 government agencies and private organizations.

15 132360.6. Each member agency ~~shall be responsible for~~
16 ~~reviewing~~ *should review* the actions that the consolidated agency
17 makes on state and federally regulated or mandated items and ~~shall~~
18 report these actions to their respective jurisdiction for review.

19 132360.7. All documents created in compliance with this
20 article shall be made available and ready for public review in
21 compliance with the California Public Records Act (Chapter 3.5
22 (commencing with Section 6250) of Division 7 of Title 1 of the
23 Government Code).

24 SEC. 4. Notwithstanding Section 17610 of the Government
25 Code, if the Commission on State Mandates determines that this
26 act contains costs mandated by the state, reimbursement to local
27 agencies and school districts for those costs shall be made pursuant
28 to Part 7 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the claim for
30 reimbursement does not exceed one million dollars (\$1,000,000),
31 reimbursement shall be made from the State Mandates Claims
32 Fund.

